



**Inquiry into the Higher Education Legislation
Amendment (Student Services and Amenities, and
Other Measures) Bill 2009**

**Submission of the Sydney University Postgraduate
Representative Association (SUPRA)**

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RECOMMENDATIONS:

Pertaining to the Bill, SUPRA Recommends that:

- Section 19-67 (3) be deleted
- Section 19-67 (4) be deleted

Pertaining to the Student Service, Amenities, Representation and Advocacy Guidelines, SUPRA Recommends that:

- Part 1 section 2, after 'access to', 'available' be deleted.
- Part 2 section 4 be amended to read: A HEP must facilitate the establishment and/or support of independent, student controlled student organisations for the purposes of providing enrolled students with access to independent advocacy services and independent student representation in relation to matters arising under the academic and procedural rules and regulations of the HEP and for the purposes of providing any other services as contained within the Student Services and Amenities Fee Guidelines.

Pertaining to the Student Services and Amenities Fee Guidelines, SUPRA recommends that:

- Following the sentence ending '...reduce the price that students may have to pay.' A sentence be inserted which reads 'These services are in addition to those services the University is required to provide, including, but not limited to, the provision of financial, employment and housing services.'

- Since personal accident insurance for Students must be provided by HEPs it should not be funded out of the Student Services and Amenities Fee, therefore section (O) should be deleted
- That a new clause be inserted into the guidelines which reads:
 - (X) Community and Outreach Projects
 - Relating to the Provision of Safe Spaces on Campus, Equity representation and networks and other relevant campaigns, fora and/or actions.

INTRODUCTION:

The Sydney University Postgraduate Representative Association (SUPRA) welcomes the introduction of the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 into the Federal Senate, and we appreciate the opportunity provided by the Education, Employment and Workplace Relations Committee to make a submission to this Inquiry. The Bill is an important first step towards addressing the disaster caused by the introduction and implementation of the so-called Voluntary Student Unionism legislation (VSU) of 2005.

SUPRA supports the Bill's passage into legislation with minor, but significant, amendments. The amendments we seek are to ensure that the Bill will be as faithful as possible to the stated purpose of the legislation as expressed in the explanatory memorandum.

Among other requirements, the memorandum claims the Bill requires Higher Education Providers (HEPs) "to ensure the provision of student representation and advocacy". The Bill goes some way towards this goal but striking deficiencies at section 19-67 will result in the Bill falling short of this avowed intention.

SUPRA sees two major shortcomings in the Bill in its current form. Without any provisions to ensure the establishment and ongoing existence of independent student organisations, student's access to welfare and representation is limited. For those organisations that have managed to weather the storm, most have found themselves in highly constraining funding agreement environments. Many organisations have their funding controlled by University administrations, which, even when the administrations are not actively and openly hostile to their student associations, certainly interferes with their independence, both perceived and otherwise. We only have to consider the case of the Murdoch University Guild

of Students whose Vice Chancellor threatened to revoke their funding because of criticism of his administration published in the student newspaper.¹ Much of the efficacy of student advocacy and representation relies on the independence of student organisations; the bill does not address this issue at all.

Moreover, the funding agreement environment creates tension and competition between student associations on campuses. Many student associations have been forced to merge which means that some if not all of the essential functions of student associations have been limited. This is particularly problematic for Postgraduate representation. Despite the disproportionate impact postgraduate research students have on research and development in Australia, the complex issues that postgraduate students face and the high levels of revenue postgraduate students contribute to HEPs, effective postgraduate advocacy and representation is usually the first casualty of mergers. This is largely due to lower student numbers when compared with undergraduate enrolments, and to reduced capacity for networking and organising. Funding agreements are effectively AWAs for student associations and while student associations should be encouraged to be responsive and accountable to their constituents, fighting for funding does not in and of itself achieve this goal. In fact, a Funding agreement ensures that instead of being accountable to its constituents, a student organisation becomes instead primarily accountable to the university administration that holds the purse strings.

Secondly it should be noted that SUPRA has grave concerns about the capacity for this legislation to be enforced, and the ways that the proposed Guidelines will interact with the Bill. It seems that despite

¹ Jill Rowbotham, 'Student guild in Murdoch University row' *The Australian*, November 19, 2008: <http://www.theaustralian.news.com.au/story/0,,24671680-12332,00.html>

Minister Ellis' statement that the Bill will 'rebuild important student services and ensure student representation and advocacy on campus' there is nothing in the Bill that will ensure this occurs.² Rather it seems as if the Bill actively undermines this avowed intention by not ensuring that advocacy and representation form part of the compliance regulations included in the Higher Education Support Act. SUPRA considers that amendments to the Bill to rectify this situation are of paramount importance.

It is also important to note that Student organisations and their activities have been misrepresented, often grossly, throughout debates around the so-called VSU legislation and indeed in debates about the current Government's response. It is vital that the committee members understand the range of work performed by student organisations and the significant contributions we make not only to welfare and experiences of students on individual campuses but also to our universities and to higher education as a whole. With the expansion of the higher education, especially when the recommendations within the Bradley Review are considered, it is clear that there will be more students in Australian universities, therefore the need for adequate welfare and independent, supported student representation will become more pressing.

While it might be tempting to see VSU in terms of monopolies in the provision of food services or the opportunity to debate for Australia, in reality at the core of this legislation was the silencing of the student voice and student input into meaningful and effective decision-making within higher education broadly and at the local university level. This does no one any good. It will undermine the quality of higher education and leave Australia with less educated and less engaged citizens.

²Minister Ellis, 'Securing the future of university support services' (Press Release) 19 February 2009:
http://www.deewr.gov.au/Ministers/Ellis/Media/Releases/Pages/Article_090219_165421.aspx

THE BILL:

SUPRA recommends that two amendments be made to the *Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009*.

RECOMMENDATION 1: That Section 19-67 (3) be struck

For SUPRA perhaps the most significant drawback of this legislation is that it does not provide certainty for student organisations in that the Bill does not require HEPs to use the Amenities Fee, as a whole or in part, to re-establish student organisations or to help maintain those that have survived.

Not only is section 19-67 (3) redundant to the legislation, it in fact seems rather to reinforce a message that counters the stated purpose of the Bill. The inclusion of this clause seems unnecessarily belligerent given that there is no clause or instrument included within the legislation or the attendant guidelines that would in any way compel a HEP to support a Student organisation.

RECOMMENDATION 2:
That Section 19-67 (4) be struck

Unlike section 19-67 (3) mentioned above, this clause actively works against the Government's purported commitment to the restoration of services for students lost after the implementation of VSU. As SUPRA reads this clause it implies that a University will still be compliant with the Higher Education Support Act even if they provide no access to Welfare Support service. Given that the intention of the legislation is to attempt to repair the damage caused by the so-called VSU legislation it seems strange that it will not be a requirement that the amendments at the crux of the legislation will be required to be enacted nor will they be able to be enforced. SUPRA can see no compelling reason to include this clause unless it is to render the legislation impotent therefore we recommend that it be deleted.

THE GUIDELINES:

The Student Service, Amenities, Representation and Advocacy Guidelines.

RECOMMENDATION 3:

That in Part 1 section 2, after 'access to', 'available' be deleted.

SUPRA has the expectation that universities provide certain resources to students as part of their responsibilities as HEPs and because they have a duty of care with regards to their students. We also believe that this is an uncontroversial position. While it may not be the intention of the text, the inclusion of the word 'available' implies that there is no expectation from the Government that where these services do not exist on campuses, universities will not be expected to establish them. It is important that legislation promotes the possibility for improvement of service delivery rather than seemingly support its limitation. While our suggested deletion creates no substantive change to the clause or the clauses following, it does remove the possible ambiguity around HEPs provision of essential services. Further it codifies an expectation of the minimum level of services that HEPs should reasonably be expected to provide.

RECOMMENDATION 4:

That Part 2 section 4 be amended to read:

A HEP must facilitate the establishment and/or support of independent, student controlled student organisations for the purposes of providing enrolled students with access to independent advocacy services and independent student representation in relation to matters arising under the academic and procedural rules and regulations of the HEP and for the purposes of providing any other services as contained within the Student Services and Amenities Fee Guidelines.

Part 2 of the Guidelines deals with attempting to ensure that student representation is built into processes of decision-making and represents an attempt by the Government to recognise the invaluable contribution students make to higher education in Australia. Unfortunately it is in this section that the Guidelines fall most short. Merely mandating that students have an 'opportunity to participate in a process to democratically elect student representatives' without considering the kind of representation students need renders this entire section of the guidelines virtually meaningless.

These guidelines are entirely appropriate for the provision of, for example, student positions on University Councils, or other high level decision-making bodies, where those student representatives are elected directly to board or committee positions from the student body. They do not in any way provide for the establishment of or maintenance of Independent Student Organisations and the concomitant representation that those student representatives provide.

This is of significant concern to SUPRA because we know that in order to be truly effective, student representation requires two different but essential elements. The first is independence. Students represent the needs of students the best when they are free from the constraints of university controls and when they are directly accountable to their constituencies. Independent, student controlled student organisations are regulated by constitutions, regulations and

other transparency and accountability measures. These are strict and rigorous and designed to ensure that the work done in Student organisations reflects the needs of the student population. Fortunately these organisations are both democratically elected and governed so not only was debate and dissent built into their governance there was always an opportunity to respond to the needs of the student body via annual elections.

The second element is support. In light of power imbalances inherent in the relationship between students and academics and university administrations student representation on key decision-making bodies becomes token very quickly when those student representatives are unsupported in their representative roles. Decision making in higher education is necessarily complex and requires knowledge of multiple and varied issues and processes. It is extremely difficult for student representatives, elected or not, to be familiar with the broad range of concerns and information that constitute effective representation on policy and procedural matters. Clearly supported representation is critical in this environment.

By support SUPRA does not simply mean provision of minutes and training in meeting procedure. By support we mean:

- The ability to feed in information from casework and welfare services about the implications of policy decisions and their implementation;
- The capacity for a number of student representatives to debate issues among themselves and to consult directly with their constituents;
- The necessity of student representatives being accountable to and supported by their constituents, the student body;
- Having the mandate that democratic election implies and
- Being provided both with the time and with the financial support necessary to allow student representatives to dedicate

themselves to their roles and responsibilities.

Supported representation is only possible with the backing of an independent, democratic, student-controlled, student organisation. As it stands, a university that has an election for a single student position on a single committee or board would be in compliance with these guidelines. Given SUPRA's concerns regarding the government's ability to enforce this legislation, it is imperative that these guidelines include specific reference to independent and supported student representation.

The Student Services and Amenities Fee Guidelines.

RECOMMENDATION 5:

That following the sentence ending '...reduce the price that students may have to pay.' A sentence be inserted which reads 'These services are in addition to those services the University is required to provide, including, but not limited to, the provision of financial, employment and housing services.'

It is important to note that since the introduction of the VSU legislation it is student services that existed in addition to those provided by HEPs that have suffered. This is reinforced when we consider who the material losers were out of the implementation of this legislation. For example, despite being able to provide many of the same services in the post-VSU environment as we did before the legislation SUPRA has still suffered a loss of real income to the tune of approximately \$330 000 annually. It is important that this additional charge being levied on students goes toward providing additional essential services, services that are best provided by, and in some cases can only be provided by, student organisations. It is also imperative that HEPs cannot 'double dip', using this Amenities Fee to pay for services they should be required to provide to students

RECOMMENDATION 6:

Since personal accident insurance for Students must be provided by HEPs it should not be funded out of the Student Services and Amenities Fee, therefore section (O) should be deleted.

with or without the levying of this fee.

All students should be covered by the insurance policies for all activities they undertake as part of the academic and extra-curricular activities on campus or connected to the University. This insurance provision should not be included as a part of these guidelines since the funding for this insurance should be provided for from a separate revenue stream. Students should not be expected to pay for their own insurance in order to undertake a course of study in an Australian university.

RECOMMENDATION 7:

That a new clause be inserted into the guidelines, which reads:

- **(X) Community and Outreach Projects**
 - **Relating to the Provision of Safe Spaces on Campus, Equity representation and networks and other relevant campaigns, fora and/or actions.**

As student representatives and through our casework service we are always aware that students that have academic issues often have other welfare issues too, perhaps trouble with work or unemployment, health issues, tenancy problems, perhaps they are encountering harassment and discrimination at home, work or in their academic life, perhaps they are experiencing racism, homophobia or sexism. It is well within the purview of the Student Amenities Fee and these guidelines to include reference to the broader equity and social justice responsibilities incumbent on HEPs and Student Organisations.

This proposed addition is intended to relate to the provision of autonomous safe spaces and other resources for equity groups. These

may include for example Queer spaces and women's rooms; the opportunity to have equity editions of student media; the ability to educate and campaign on issues including racism, student poverty or homophobia; the necessity to provide opportunities for equity groups to address issues they face in their study and in their lives outside university. This list is not exhaustive nor is it our intention that this clause in the guidelines be proscriptive as SUPRA firmly believes that the students on each campus are best able to determine what the key issues facing their constituents are and how best to respond to them. SUPRA would however, like to stress that students and their representative recognise that while significant, a student's experiences while studying are not limited to academic concerns, even when they are on campus, and the ability to address and respond to these concerns and issues is crucial to the student experience as well as the recruitment and retention of the student population.